

JAP:TF

M-11-311

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

C O M P L A I N T

- against -

(T. 21, U.S.C. § 846)

FERNANDO GUEVARA and
JESUS RIVERA,

Defendants.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

DAVID SCHRADER, being duly sworn, deposes and says that he is a Special Agent of the United States Department of Homeland Security, Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about March 24, 2011, within the Eastern District of New York and elsewhere, the defendants FERNANDO GUEVARA and JESUS RIVERA, together with others, did knowingly and intentionally conspire to distribute and possess with intent to distribute a substance containing heroin, a Schedule I controlled substance, in violation of Title 21 U.S.C. § 841(a)(1).

(Title 21, United States Code, Section 846).

The source of your deponent's information and the grounds for his belief are as follows:^{1/}

1. On or about March 24, 2011, the defendant FERNANDO GUEVARA arrived at JFK International Airport in Queens, New York aboard Aerolineas Galapagos flight No. 700 from Guayaquil, Ecuador. During a routine Customs examination of the defendant's suitcase, Customs Inspectors noticed that the bottom felt unusually thick and heavy. They probed the bottom of the suitcase to reveal a light brown powdery substance which tested positive for heroin. The total approximate gross weight of heroin recovered from the defendant FERNANDO GUEVARA's suitcase was 3,497.6 grams.

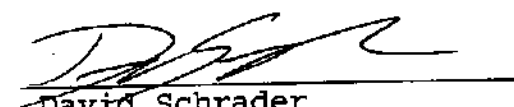
2. The defendant FERNANDO GUEVARA was placed under arrest. Subsequent to the reading of his Miranda warnings, the defendant agreed to cooperate with HSI Agents. The defendant then stated, in sum and substance, that an individual named JESUS RIVERA, later identified as the second defendant, offered to pay him \$10,000 to smuggle drugs into the United States. The defendant FERNANDO GUEVARA said he was planning to meet the defendant JESUS RIVERA at the airport, and showed HSI Agents photographs of the defendant JESUS RIVERA on Facebook.

^{1/} Because the purpose of this affidavit is merely to establish probable cause, I have not set forth all of the facts and circumstances of which I am aware.

3. HSI Agents went into the lobby of Terminal 4 of JFK and recognized the defendant JESUS RIVERA based on his photographs. They approached the defendant JESUS RIVERA and he identified himself as such, and was placed under arrest.

4. Following his arrest, the defendant JESUS RIVERA was read his Miranda warnings and waived them. The defendant FERNANDO GUEVARA was sent to speak with him, and reported that the two discussed the weight of the smuggled heroin. The defendant JESUS RIVERA voluntarily admitted that he had recruited the defendant FERNANDO GUEVARA to smuggle heroin into the United States.

5. WHEREFORE, your deponent respectfully requests that the defendants FERNANDO GUEVARA and JESUS RIVERA be dealt with according to law.


David Schrader
Special Agent

U.S. Department of Homeland Security
Homeland Security Investigations

Sworn to before me this
25th day of March, 2011

HONORABLE VIKTOR V. BOHORELSKY
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK